

IN THE DRAWINGS:

Applicant has amended figures 1, 2, 7, and 15a.

REMARKS

Claims 1, 3, 5-10, 13-20, and 23-25 will be pending in the Application after entry of the forgoing amendment.

In parts 3-6 of the Office Action, the Examiner objected to the drawings. Applicant has amended the claims and drawings to address the Examiner's concerns. The enclosed drawings include replacement sheets in which figures 1 and 2 contained a legend "PRIOR ART"; a replacement sheet for figure 7 in which the tread is labeled 723a; and a replacement sheet for figure 15 in which the reference line of 800 does not touch the ramp.

In part 8, the Examiner stated "The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. §112, first paragraph." Applicant has revised the specification.¹ Regarding page 11, line 9 of the specification, Applicant submits that one would readily understand that a cover can act to "seal" or close. Regarding page 24, line 7, one of ordinary skill would know that "play" can mean clearance between mating components.

Regarding part 9 of the Office Action, Applicant notes page 24, lines 4-10 of the specification.

In parts 11-20, the Examiner rejected claims 1, 2, 4, 9-14, and 21-22 under 35 U.S.C. § 112 second paragraph as being indefinite. In parts 21-24, the Examiner rejected claims 1, 2, and 11-14 under 35 U.S.C. § 102 as being anticipated by U.S. Publication 2004/0187397 to Chapus (Chapus '397). In parts 25-27 the Examiner rejected claims 4, 9, 10, and 21 under § 103 as being unpatentable in view of the combination of Chapus '397, and U.S Patent 5,778,603 to Reppas.

Applicant has cancelled claims 2, 4, 11, 12, 21, and 22 and amended claims 1, 3, 5-10, and 13-20,² without acquiescence, prejudice or disclaimer, and has added new claims

1. "37 CFR 1.52(b)(1)(ii) only requires the application to be in the English language. There is no additional requirement that the English must be American English." MPEP 608.01.

2. Applicant has eliminated the redundant terms "at least" because, in U.S. practice, an article ("a", "an") normally encompasses one and or more than one, a counted element

23-25. Applicant submits that the pending claims, as amended, are nonobvious in view of the art of record, and otherwise comply with the statutes and regulations.

Chapus '397 discloses a swimming pool cover including juxtaposed roofing elements (I') whereof the distance which delimits the external chord of each of the longitudinal edges (220a') and (220b') is shorter than the distance which delimits the internal chord of the two longitudinal edges (220a) and (220b) of the juxtaposed elements (I) of the other portion (P) of the roof to enable the first portion (P') of small elements (I') to be nested in the second portion (P) of large elements (I) thereby exposing partly the pool over a length corresponding to the displacement of the mobile portion (P') of elements (I').

Chapus '397 Abstract.

The Examiner stated:

Chapus discloses a swimming pool covering which allows a pool to be exposed or concealed with roof components that are juxtaposed in the direction of the length of the swimming pool. The roof components are made of a translucent material (100) and have a rigid frame (200) formed of two arches and braced by crosspieces (220) with two end crosspieces delimiting two longitudinal parallel edges (220a and 220b). There are also edges which define a support surface (S). The support surface has a storage means (see annotated figure below) located at the end of the pool and corresponding to the ground surface, a mobilizing means (320a), a 'stowing means' which allows the roof components to be stacked, and a means of connecting the roof components such that they can be displaced integrally along a horizontal path and disassociated from one another, so that they can be stacked vertically. When the roof components are pushed inward to the storage means, they are stacked, one underneath the other.

Office Action page 8, part 23.

The Examiner stated:

normally encompasses either the number counted or more than the number, and a part normally encompasses the part as well as the whole.

Reppas ... teaches a retractable dome stadium having a plurality of roof components. Each of the roof components (20a-20d) has a flange (34) which has formed on it a rack, which engages with a pinion (42), which is driven by motors (44). Each roof components has a block (54, see annotated figure) which could act as a 'stop.' The dome is opened by actuating the motors, which cause the lower most panel to retract until it rolls over the next panel and so on, so the motors are fully stacked and elevated (col. 4, ln. 6-15).

Office Action page 10, part 27.

In contrast, each of claims 1, 3, 5-10, and 13-20, as amended, and new claims 23-25 recites, *inter alia*, a system allowing a pool opening to be exposed and/or concealed, the system comprising a storage area located at an end of the pool the storage area being sufficient to accommodate a footprint of a roof component, all of the storage area being horizontally displaced from the pool opening, and a lifter in the storage area, the lifter being configured to engage the roof components to vertically displace the roof components, by positioning one roof component over another roof component in a stacked position. (Base claim 1, as amended).

No reasonable combination of the art of records, including Chapus '397 and Reppas, would have suggested amended claim 1's interrelation of structure, including the recited lifter in the recited storage area.

If the Examiner has any questions about this amendment, applicants' representative would appreciate discussing this amendment with the Examiner. Applicant's representative can be reached at 703-684-4840.

Respectfully submitted,



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